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6 *Pro Bono* Counsel for Petitioner

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN FRANCISCO DIVISION**

10 FLORICEL LIBORIO RAMOS,

11 Petitioner,

12 vs.

13 MERRICK B. GARLAND, U.S. Attorney  
14 General, et al.,

15 Respondents (Official Capacities).

16 No. 4:18-cv-00413-JST

17 **JOINT MOTION TO DISMISS**  
**WITHOUT PREJUDICE PURSUANT**  
**TO FEDERAL RULE OF CIVIL**  
**PROCEDURE 41(a)(2) AND**  
**[PROPOSED] ORDER**

18 Detention Status: Non-Detained

19 1. Petitioner Floricel Liborio Ramos (“Ms. Liborio Ramos”) and Federal  
20 Respondents jointly move to dismiss this petition for habeas corpus without prejudice  
pursuant to Federal Rule of Civil Procedure 41(a)(2).

21 2. The Court granted the habeas petition, in part, on February 15, 2018. Dkt. No.  
22 19. On March 13, 2018, the court granted Petitioner’s Motion to Enforce Judgment. Dkt.  
23 No. 28.

24 3. Federal Respondents appealed to the Ninth Circuit. The Ninth Circuit granted  
25 Federal Respondents’ unopposed motion to hold the appeal in abeyance pending parallel  
26 litigation involving the statutory right to a bond hearing for individuals detained under 8  
27 U.S.C. § 1231(a)(6). Ultimately, after the Supreme Court’s intervening decision in *Johnson*  
28

*Liborio Ramos v. Garland, et al., 4:18-cv-00413-JST*

Joint Mot. to Dismiss Without Prejudice Pursuant to FRCP 41(a)(2) and [Proposed] Order

v. Arteaga-Martinez, 596 U.S. 573 (2022), Federal Respondents filed an unopposed motion with the Ninth Circuit to vacate the Court's orders and remand.

4. The Ninth Circuit granted the motion on March 1, 2024, vacated this Court's  
5 orders dated February 15, 2018 and March 13, 2018, and remanded for further proceedings.  
6 The mandate issued on April 23, 2024.

7. Petitioner and Federal Respondents now request that the Court enter an order  
8 dismissing this action without prejudice.

9. As a condition of Petitioner's agreement to dismiss this action, Immigration and  
10 Customs Enforcement has agreed not to re-arrest or re-detain Ms. Liborio Ramos unless  
11 there is a change in circumstances, i.e., a new criminal arrest/conviction and/or final and  
12 executable administrative removal order.

13. Further, the parties have agreed that each party will bear its own costs and fees  
14 in this litigation, and Petitioner will not seek attorneys' fees pursuant to the Equal Access to  
15 Justice Act, 28 U.S.C. § 2412, or any other provision of law.

16. In light of the foregoing, the parties request the Court dismiss this petition  
17 without prejudice.

18 Dated: May 13, 2024

19 Respectfully submitted,

20 By: /s/ *Etan Newman*  
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26 Counsel for Petitioner

27  
28 *Liborio Ramos v. Garland, et al., 4:18-cv-00413-JST*  
Joint Mot. to Dismiss Without Prejudice Pursuant to FRCP 41(a)(2) and [Proposed] Order

1  
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Principal Deputy Assistant Attorney  
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6 **JESSICA W. D'ARRIGO**

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8 By: */s/ Nicole P. Grant*

9 **NICOLE P. GRANT**

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15 *Counsel for Respondents*

16  
17  
18  
19 **ATTESTATION PURSUANT TO CIVIL L.R. 5.1(i)(3)**

20 As the filer of this document, I attest that concurrence in the filing was obtained from the other  
21 signatory. Executed on this 13th day of May, 2024, in Minneapolis, Minnesota.

22 */s/ Etan Newman*

23 *Pro Bono Attorney for Petitioner*

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**[PROPOSED] ORDER**

Having considered Petitioner and Federal Respondents' joint motion to dismiss, this action is dismissed without prejudice.

SO ORDERED.

Dated: May 15, 2024



JON S. TIGAR  
United States District Judge